



Community Providers Association
Caring for Connecticut.

TO: Members, Commerce Committee
FROM: Sheila B. Amdur, Interim President and CEO
Connecticut Community Providers Association
RE: **Raised Bill No. 1007 An Act Concerning Revisions to the Paid Sick Leave Statutes**
DATE: March 7, 2013

Issues Relating to Individuals with Disabilities Served by Community Provider Organizations in Employment Opportunities Programs

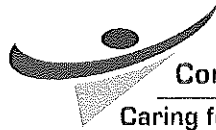
Last year's Public Act regarding sick leave had an unintended impact by including individuals with disabilities who are served by community provider organizations in the definition of "employee."

The Connecticut Community Providers Association recommends that individuals with disabilities who are served by community provider agencies through Purchase of Service contracts or fee-for-service arrangements and funded by DDS, DMHAS, Bureau of Rehabilitative Services or LEAs be exempted from the sick leave requirement.

1. Individuals served by community provider agencies are evaluated for eligibility and referred to the provider agencies by the state agencies (DDS, DMHAS, BRS and LEAs).
2. Provider agencies receive funding to serve these individuals through a group contract or an individual contract.
3. Community providers support people with disabilities in a variety of habilitative and rehabilitative programs including providing training and employment opportunities.
4. These individuals with disabilities are paid for work in sheltered and community-based settings operated by the community provider organization (such as a sheltered workshop, a provider-run business or a janitorial program) and/ or for work in commercial establishment in the case where the business pays the provider organization for the work performed and the community provider pays the workers based on an hourly or piece rate basis.
5. Many of these individuals with disabilities have approval from the US DOL Fair Labor Standards Act (FLSA) to be paid at a rate less than minimum wage that reflects their work capacity. An individual who works at 50% capacity based on time studies would be paid at 50% of the commensurate wage. If the commensurate wage is \$10/hr the individual would be paid \$5/hr.
6. If these individuals are sick or in poor health they are allowed as many days as necessary to complete their recovery. Their jobs are held for them.

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7. It is the prerogative of DDS, BRS, etc. to also remove and transfer clients to other programs based on client need.
8. If these individuals are considered employees under the sick leave statutes:
 - A. The community provider agency will be required to pay for sick days that have not been included in the contractual reimbursement from the state agency.
 - B. The community provider will be required to pay for sick leave at least the minimum wage level, although productivity is less than 100%. There is no reimbursement from the State to make this payment.

We urge the committee's support of this exemption targeted to individuals with disabilities who are in supported employment and vocational programs that are intended to prepare them for competitive employment.

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